

**ZB# 06-07**

**Sharon Betts**

**69-4-10**

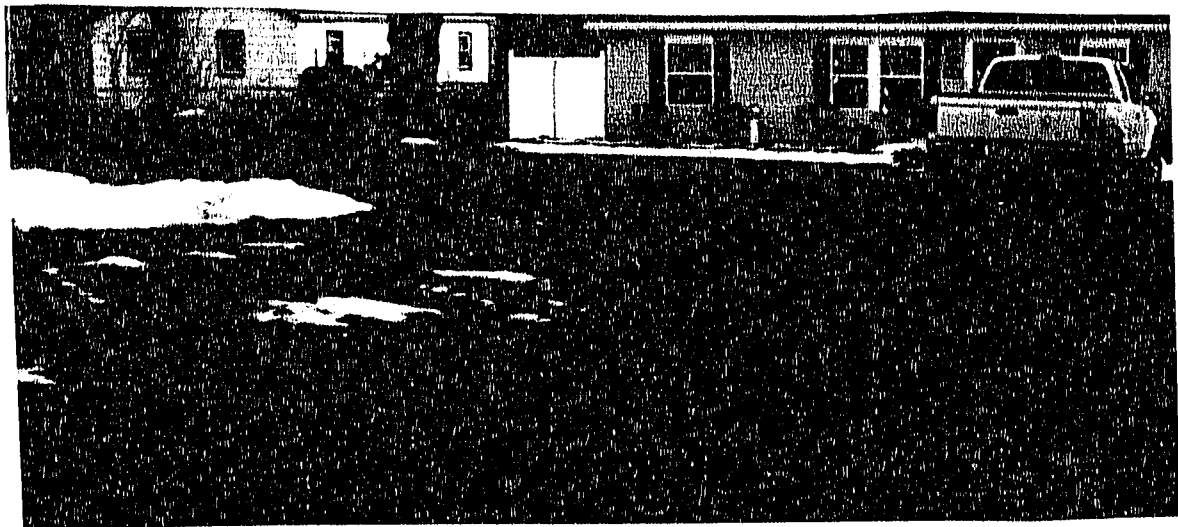
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
Decision 5-22-06

Sharon Betts (AREA)  
Rt. 94 - Vails Gate

06-070

28th





## **JOHN R. BETTS**

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1033 Rt. 94 P.O. Box 485 Vails Gate, New York 12584, 845-565-0333, Cell: 845-721-2839

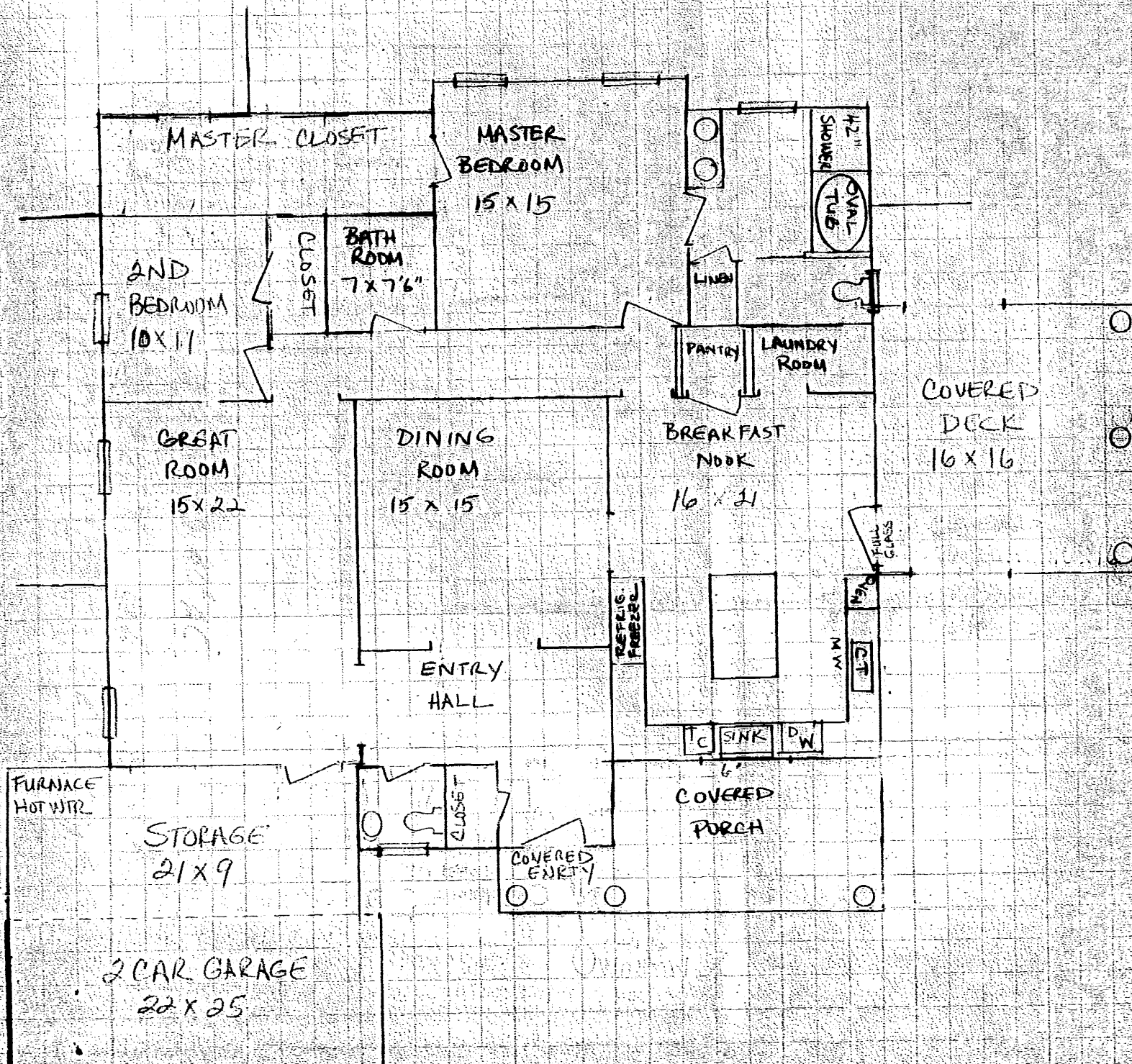
Existing mobile home is 24 x 48 doublewide. It is three years old.

Requested new "structure" will be 42 x 48 with a covered porch off the side and front, and a two car garage. .

The set backs are as noted on the provided survey.

This should be a favorable project because by renovating mobile home to new structure, in one simple step we remove the mobile home from the property forever and therefore actually decrease the non-conformity of the property.

By building the new structure the property will be subject to assessment and or property tax review.

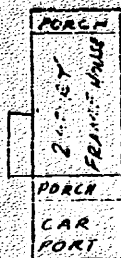


TO  
WASHINGTONVILLE

N. Y. S. ROUTE 94

TO  
ROUTE 32

100.00' I. PIN N 89°-19'-06" W 100.00' I. PIN

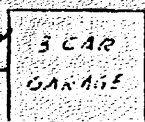


52°-17'-06" E

N 0°-15'-54" E

N. OR F.  
CONCETTA BONERI

N. OR F.  
ROBERT BREWER

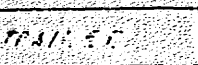


5' 11" NO. 4500

210.00'

208.00'

32



34'6"

I. PIN

70.6'

N 89°-35'-54" E I. PIN

N. OR F.  
GARY AND COLEEN SMITH

N. OR F.  
WILBUR BREWER

AREA = 0.46<sup>±</sup> AC.

PROPERTY OF

RICHARD & HELEN SIMONSON

VAILS GATE

TOWN OF NEW WINDSOR, ORANGE CO., N. Y.

SCALE: 1" = 40'

FEB. 11, 1974

*Paul C. Sevik, L.S.*

SURVEY LINES ESTABLISHED BY POSSESSION

PAUL C. SEVIK, L.S. N.Y.S. LIC<sup>49011</sup>  
FORT MONTGOMERY, N.Y. 10922



**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE:** 1/13/06

**APPLICANT:** Sharon Betts  
PO Box 485  
Vails Gate, NY 12584

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** 1/11/06

**FOR :** Remove existing mobile home and replace with 42x48 one family home and add one bay to the existing three car garage

**LOCATED AT:** 1033 Route 94

**ZONE:** C    Sec/Blk/ Lot: **69-4-10**

**DESCRIPTION OF EXISTING SITE:**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:** 300-73 C

1. 300-74-B Normal maintenance and repair, structural alteration, moving, reconstruction or enlargement of a nonconforming building is permitted, provided that such action does not increase the degree of, or create any new, nonconformity with regard to the regulations pertaining to such buildings.



**BUILDING INSPECTOR**

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

**ZONE: C      USE: Single Family Dwelling**

**MIN LOT AREA:**

**MIN LOT WIDTH:**

**REQ'D FRONT YD:**

**REQ'D SIDE YD:**

**REQ'D TOTAL SIDE TD:**

**REQ'D REAR YD:**

**REQ'D FRONTAGE:**

**MAX BLDG HT:**

**FLOOR AREA RATIO:**

**MIN LIVABLE AREA:**

**DEV COVERAGE:**

**cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP**

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 69-4-10

In the Matter of the Application of

**JOHN & SHARON BETTS**

MEMORANDUM OF  
DECISION GRANTING

INTERPRETATION

CASE #06-07

**WHEREAS, John Betts** , owner(s) of property on Rt. 94, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request to replace existing single-family home with a larger single-family home in a C-Zone (69-4-10)

**WHEREAS**, a public hearing was held on May 22, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties in an C zone.
  - (b) The property currently contains a single-family home and a mobile home measuring approximately 24 ft. X 48 ft. The applicant seeks to convert the mobile home into a single-family residence of approximately 42 ft. X 48 ft.

- (c) The residence, if permitted, will be similar to size and nature to other homes that are in the neighborhood.
- (d) In constructing the proposed residence, the applicant will not remove any trees or substantial vegetation.
- (e) The structure will not create the ponding or collection of water or divert the flow of water drainage.
- (f) The structure will not be on top of, nor will it interfere with, any easements, including but not limited to, water, sewer or electrical easements.
- (g) The existing use is a pre-existing, non-conforming use which the applicant seeks to expand.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

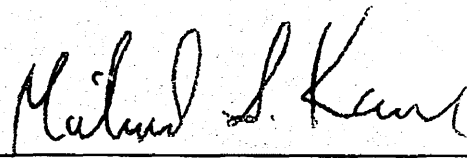
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request to replace existing single-family home with a larger single-family home in a C-Zone on Rt. 94 (69-4-10) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: May 22, 2006

A handwritten signature in cursive script, reading "Michael S. Kane", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: JULY 20, 2006**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 45.98 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #06-07**

**NAME & ADDRESS:**

**Sharon Betts  
P.O. Box 485  
Vails Gate, NY 12584**

**THANK YOU,**

**MYRA**

**L.R.07-20-06**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #06-07      TYPE:AREA      TELEPHONE: 721-2839

**APPLICANT:**

Sharon Betts  
P.O. Box 485  
Vails Gate, NY 12584

RESIDENTIAL:	\$ 50.00	CHECK #1428
COMMERCIAL	\$ 150.00	CHECK #_____
INTERPRETATION	\$ 150.00	CHECK #_____

ESCROW:      RESIDENTIAL \$300.00      CHECK #1427



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>4</u>	PAGES	<u>\$ 28.00</u>	<u>\$ 35.00</u>
2 <sup>ND</sup> PRELIMINARY:	<u>  </u>	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>9</u>	PAGES	<u>\$ 63.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u>5</u>	PAGES	<u>\$ 35.00</u>	<u>\$ 35.00</u>

LEGAL AD: Publish Date:5/2 & 5/9      \$ 23.02

TOTAL:      \$149.02      \$105.00



ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 254.02

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 45.98

Cc:

L.R. 7/20/06

JOHN & SHARON BETTS (06-07)

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MR. KANE: Request to replace existing single-family home with a larger single-family home.

Mr. John Betts appeared before the board for this proposal.

MR. BETTS: John Betts, 1033 Route 94, Vails Gate.

MR. KANE: Tell us what you want to do again.

MR. BETTS: I want to take the existing structure that's there and add to it, make it a larger structure, what's sitting there now is a 24 x 48 mobile home and I want to turn it into a single family residence going to be approximately 42 x 48.

MR. KANE: Similar in size and nature to other homes that are in your neighborhood?

MR. BETTS: Yes.

MR. KANE: Cutting down any substantial trees or vegetation in the building of it?

MR. BETTS: Not a bit.

MR. KANE: Creating any water hazards or runoffs?

MR. BETTS: No.

MR. KANE: Any easements where you want to build?

MR. BETTS: No, on the plot plan I supplied to you folks I showed it proposed 27 feet 8 inch setback, my architect spoke with me earlier this week and he suggested I ask you folks for 25 foot setback.

MR. LUNDSTROM: Why is that?



MR. BETTS: Well because of the way if you have the plan I sent you of the house itself, if you look at the plan the dining room is in the middle of the house with no windows and he tells me that that can't be considered a room because it has no windows, the Town would consider it storage, and in order to make this more realistic he has to just change my plan there a little bit and just pushes it back a couple feet toward the rear.

MR. KANE: Problem is by law all that had to be in the paper already.

MR. BABCOCK: No, Mr. Chairman, actually, he's here because he's expanding non-conforming uses, not here for setbacks, he's not even allowed to be there, so the setbacks are a moot point now, so what we're going to do if he's successful in getting approval tonight we're going to approve this plan.

MR. KANE: That answers my question.

MR. BETTS: But I need to get 25 feet.

MR. KANE: Legally things go in the paper they've got to be there so that was my concern.

MR. BABCOCK: If it was advertised that it was going to be 27 feet from the property line that would be an issue for you, so it shouldn't be so it's 25 feet.

MR. BETTS: That's what he said, ask for 25 feet, the square footage of the new structure is going to be the same, just might have to just massage it a little bit because that was my only design, my wife's design and we didn't realize it, that the room needed a window to be a room.

MR. BABCOCK: John, is there also the two car garage is

on this?

MR. BETTS: Yes, should be right here.

MR. BABCOCK: I have it, I just want to make sure I have a plan with it and I have a plan without it.

MR. KANE: At this point I will open it up to the public, ask if anybody in the audience is here for this particular hearing. Nobody cares. Bring back to Myra, how many mailings?

MS. MASON: Well, this is actually a continuation of a public hearing so on March 23, we mailed out 23 envelopes, public hearing was held on April 10 and tabled until tonight so we readvertised on May 9 of the continuation of the public hearing.

MR. KANE: All right so what we technically have to do then I need one of you to take it up off the table.

MR. LUNDSTROM: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. KANE: You have all the data in front of you, I will accept a motion.

MS. LOCEY: Your application may I ask your application has changed are you removing the mobile home?

MR. BETTS: No, I'm going to add to it.

MS. LOCEY: So you're now putting the addition on the mobile home and leaving the existing house?

MR. BABCOCK: Yes.

MR. BETTS: That's correct.

MS. LOCEY: Okay.

MR. KANE: Any other questions?

MR. BETTS: Obviously new foundations.

MR. KANE: All the standards have to be met by the building department.

MS. LOCEY: I just was confused because when I read these notes it said that it was a favorable project in one simple step we'll remove the mobile home from the property and--

MR. BETTS: What I meant by remove the mobile home remove the mobile home status and make it single family residence.

MS. LOCEY: That's the only question.

MR. KRIEGER: So the mobile home isn't too mobile, pretty stationary.

MR. BETTS: Well, you could but who wants to buy it and move it.

MR. KANE: Any other questions? I'll accept a motion.

MS. LOCEY: I will offer a motion on the application of John and Sharon Betts to approve their request to replace an existing single family home with a larger single family home in a C zone on Route 94.

May 22, 2006

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MR. TORPEY: I will second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: May 22, 2006

PROJECT: John Betts ZBA # 06-07  
P.B.#

**P.B.#** \_\_\_\_\_

**USE VARIANCE:**      **NEED: EAF** \_\_\_\_\_ **PROXY** \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**PUBLIC HEARING: M)\_\_\_\_\_ S)\_\_\_\_\_ VOTE: A\_\_\_\_ N\_\_\_\_\_**

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**NEGATIVE DEC:** M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**APPROVED: M)\_\_\_\_\_S)\_\_\_\_\_ VOTE: A\_\_\_\_\_N\_\_\_\_\_**

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_\_\_ N\_\_\_\_\_

**PUBLIC HEARING:**      **STATEMENT OF MAILING READ INTO MINUTES**   /    
**VARIANCE APPROVED:**      **M)**   LO   **S)**   T   **VOTE: A**      **N**     .

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	A

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

[illegible]

JOHN & SHARON BETTS (06-07)

Mr. John Betts appeared before the board for this proposal.

MR. KANE: Request to replace existing single-family home with a larger single-family home in a C zone.

MR. BETTS: At the risk of shooting myself in the foot because of cost factors, I may be forced to change the plan or my plan on this property. As I told you all last time, there's a single family residence and a double wide mobile home, it was our intention to demolish the single family residence and build a new house but because of cost factors we're considering now either bringing the mobile home up to code with foundations and additions depending on what Mr. Mason tells me when he comes on Friday or just replacing it, my idea is to spruce up the mobile home, make it into a single family structure.

MR. BABCOCK: Okay.

MR. BETTS: I'm still increasing the non-conformity of the property cause it's going to be larger than what's there but it would be our intention to put foundations down and do it proper but to demolish the house and start from scratch, the cost is getting out of hand.

MR. BABCOCK: So you want to keep the house?

MR. BETTS: Keep the house.

MR. BABCOCK: And the garage?

MR. BETTS: And the garage.

MR. BABCOCK: Just remodel the mobile home?

MR. BETTS: If we can.

MR. KANE: And what's the mobile home being used for?

MR. BABCOCK: Single family, it's fairly new, Mr. Chairman.

MR. BETTS: It's only three years old but it's just too small.

MR. BABCOCK: You'd like to add on to that?

MR. BETTS: If we can, if the builder says it's possible, you know, we have to pour footings and whatnot because it's just not big enough.

MS. GANN: How much bigger are we talking about to make the home?

MR. BETTS: About 1,200 square foot now we're looking at 1,900 square foot total.

MR. KANE: To redo.

MR. BETTS: Change the mobile home from 1,200 to 19.

MR. KANE: And the existing home stays, you're not going to do anything with that?

MR. BETTS: That's correct.

MR. LUNDSTROM: Currently two families living on the property?

MR. BETTS: Yes, myself and my wife and son living in the mobile home and mother-in-law lives in the house up top, it's all family, if that's the question. Either way, I'm still increasing the non-conformity of the property. On the other hand, I'm bringing the property up to code, still not going to be code cause it's commercial but not going to be a mobile home there any

longer which means higher taxes for the town.

MR. BABCOCK: I think that we should do, well, I don't know.

MR. KANE: I think we should table it and what that means is hold off any decision because you're throwing some new stuff at us that we really need to look into as far as being able to expand the mobile home.

MR. BABCOCK: You wouldn't give him a variance on the plan he has now, there are no numbers to work with here because it's not allowed to be there, so we really are approving his plan not 10 feet from the property line not, you know, square footage, not 1,900, 1,200, it's really the plan that you see so I think John what you should do is meet with your contractor and get us a plan and if we feel you have to come back to this board we'll get you back in front of them for a new preliminary and get you set up for a public hearing that's going to make sense.

MR. BETTS: Requires the letters all over again because it's not a cheap process going through you folks and I mean no disrespect?

MS. MASON: You have the list done, so you won't have to pay for that again.

MR. BABCOCK: You may be affecting different people by your decision on where you're going to go.

MR. KANE: If the numbers change from what was in the paper, we have to post it 10 days before the hearing and all those things have changed that has to be posted 10 days before, if we're changing the numbers we've got to come back anyway, that's got to be put back in the paper if we're changing everything.

MR. KRIEGER: That's a requirement of the state law,



state imposes that.

MR. BABCOCK: Quite honestly it's probably the same thing.

MR. BETTS: Square footage only difference, no three car garage, actually smaller.

MR. KANE: Do you guys feel comfortable?

MR. BETTS: But I was proposing 2,200 square foot building with a three car garage.

MR. LUNDSTROM: Three car garage is not there and will not be built.

MR. BETTS: I'm going to keep the existing three car garage that's already there, I was going to demo the house and existing three car garage, build a house and another three car garage just configured on the property.

MR. KANE: Now we're going to stay and improve the mobile home in the back, mobile home from the side property line and the back property line we're okay with that?

MR. BETTS: Well, there are no requirements as I understood it because it's commercial.

MR. BABCOCK: He's in the commercial zone.

MR. BETTS: But it's 15 feet side and mobile 40 feet rear maybe it's 40 feet, maybe not.

MR. KANE: How much bigger are you thinking of making the mobile home?

MR. BETTS: It's 1,200 going to 19 but most is going to be in the front where the setback doesn't come into

play but if I go 6 feet off the back which I'm thinking it will make the rear yard setback smaller than what it is now.

MR. LUNDSTROM: You're asking this board to approve a concept because the plans that were submitted are no longer valid?

MR. BETTS: Well, I don't know if I'm asking you to do that or not, I'm just coming up here and saying what's in the back of my mind. If I need to start over, that's it.

MR. KRIEGER: I suggest the board ought to table it when they have a specific plan, look at it whether or not he will have to, he won't have to buy the list, whether or not he will have to publish or send out letters depends on--

MR. KANE: What he brings back to the board.

MR. KRIEGER: And how it fits with the public notice which determination I can only make when he brings something back so it may or may not cost him any additional money depending on what it is.

MR. BETTS: In order for me to come back, I have to submit a building permit and get rejected again?

MR. KANE: No, just bring what you want to do to Mike.

MR. BABCOCK: Just change the plan just based on what you're saying here tonight, I think what we're going to be able to do is slip this plan out and slip your new plan in, let the board look at it, let me look at it first to see if there's any other sections.

MR. KRIEGER: The problem is you don't want to get a variance, if you were successful tonight, we went ahead and you were successful in getting a variance it may

not be exactly what you need when the plan comes in.

MR. BETTS: Aren't I asking for a use variance, isn't that what we're doing here?

MR. BABCOCK: No.

MR. KANE: No, a use variance is a whole different world, basically come down and come in and tell us that you can't sell that property, doesn't mean make a profit, but you can't sell it for an existing use even if you lose money.

MR. BABCOCK: What the law says if you have a non-conforming use, you cannot increase the degree of non-conformity, when he makes it larger, he's increasing it, so he's asking for a variance from the section of the code that says you cannot increase the non-conformity, so by making it larger and getting closer to property lines he's increasing it.

MR. BETTS: Isn't that what I'm also proposing now?

MR. BABCOCK: Yes, you are, but the plan is what you approve because there's no measurement, like I stated before, you're not allowed to be 10 foot from the property line, so when they look at the plan like this plan that you drew up, if they approve it that's what you have to build, no bigger, I mean, if you went a little smaller, it wouldn't be a problem, but you're doing it on a different house so we really have got to get a different plan.

MR. KANE: I think the delay is the best thing for you, we're not looking to cost you anymore money, just cover the bases correctly and with Mike's experience going in there probably you'll come back in front of us and it shouldn't cost you that much.

MS. MASON: We have to do the mailings though, right?

MR. KRIEGER: I don't know yet, let's look at the plan and I have to look at what the last announcement said.

MS. GANN: Do they have to go through a preliminary again or does he go right to public?

MR. KANE: No, we're going to table which means he's still active here, you come right back here, Mike fields it, you're going to come back here unless Andy comes up with something that we need to legally republish.

MR. BABCOCK: Can we table it to a certain date so if there's any people here from the public they can come back?

MR. KANE: Oh, yeah, definitely.

MR. KRIEGER: I would suggest the board has an option they can either table it without date or table it to a specific date. The difference is if you table it without date and you have to move to take it off the table at the time that it's brought back before you can reconsider it. If it's tabled to a specific date just put it on the agenda on that date and go ahead.

MR. BABCOCK: It may save the applicant from doing the re-notify.

MR. KANE: I think a specific date works for you.

MR. BETTS: Well, I don't have the builder coming until Friday.

MR. KANE: We only meet the second and fourth Mondays of the month.

MR. BETTS: Depending on what he tells me can be done.

April 10, 2006

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MR. KANE: You can be in the next meeting or the one right after that.

MS. MASON: Probably the one after that, the next one is pretty full.

MR. BETTS: What's the date of the one after that?

MR. KANE: That would be the second Monday in May. I need a motion, one other consideration when you bring the plan in on that you're going to talk about the side and back, I'd prefer you leave the property lines as open as you can and not make them any tighter, try to bring it more inside the property. Make sense?

MR. BETTS: Well, I can't do that without moving the whole mobile home though I'll try.

MR. LUNDSTROM: You're putting a new mobile home on?

MR. BETTS: No, I'm going to take the mobile home and go this way. Does that mean I have to physically pick up the mobile home and move it?

MR. KANE: You said you might build behind it and go a couple feet, I'm asking consider the behind it carefully, I'd rather see you in front of it and keep the property line good but if you have to go there, fine.

MR. BETTS: I'll consider it.

MR. LUNDSTROM: I'd like to see the setbacks on all the sides for all the structures.

MR. BETTS: That's easy.

MR. KANE: So I'll need a motion.

MR. LUNDSTROM: So move that we adjourn this until a

April 10, 2006

28

date specific, May 8, table it, table it, I stand corrected.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
5/23/2006	7712

### Bill To

TOWN OF NEW WINDSOR  
555 UNION AVE  
NEW WINDSOR, NY 12553

**RECEIVED**

**JUN 15 2006**

TOWN OF NEW WINDSOR  
COMPTROLLER'S OFFICE

**NUM.**

P.O. No.	Terms	Project
44676	Due on receipt	

Issue Date	Description	PCS/Units	Amount
5/2/2006	LEGAL ADS: PUBLIC HEARING BETTS 1 AFFIDAVIT	7.51 4.00	7.51 4.00
<b>Total</b>			<b>\$11.51</b>

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)  
562-1218

State of New York

County of Orange, ss:

Patricia Quill being duly

sworn disposes and says that she is The  
Supervisor of Legal Dept. of the E.W. Smith  
Publishing Company, Inc. Publisher of The  
Sentinel, a weekly newspaper published and  
of general circulation in the Town of New  
Windsor, Town of Newburgh and City of  
Newburgh and that the notice of which the  
annexed is a true copy was published /X

in said newspaper, commencing on

the 9 day of May A.D., 2006

and ending on the 9 day of May  
A.D. 2006

*Patricia Quill*

Subscribed and shown to before me

this 5<sup>th</sup> day of June, 2006 \_\_\_\_\_.

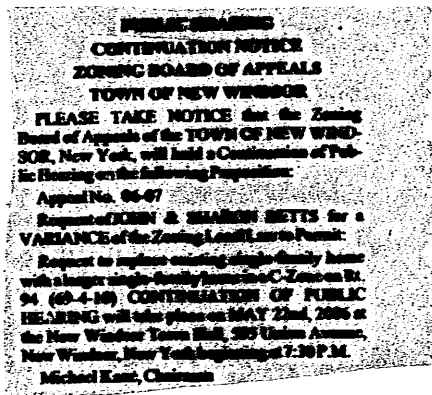
*Deborah Green*

Notary Public of the State of New York

County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4934065  
Commission Expires July 15, 2007

My commission expires \_\_\_\_\_



\$11.51



**JOHN R. BETTS**

1033 Rt. 94 P.O. Box 485 Vails Gate, New York 12584, 845-565-0333, Cell: 845-721-2839

January 7, 2006

JAN 11 2006

Michael Babcock  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, NY 12553

Re: Betts Property / 1033 Route 94, Vails Gate, NY

Dear Mike,

I response to our conversation last week, I have enclosed a building permit application with floor plans and proposed survey. Although the drawings are not to scale, the setbacks and placing of the new structure are accurate.

As we discussed we will be demolishing the existing two-story frame house and three-car garage. I will obtain a demo permit prior to any work starting. I am also aware of the need for an asbestos survey prior to demo.

Once again, thank you for your help and if have any questions please contact me at my cell number, 845-721-2839.

Best personal regards,



John R Betts



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

May 18, 2006

Sharon Betts  
P.O. Box 485  
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #06-07

Dear Mr. & Mrs. Betts:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The charge for publication in the Sentinel will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Rt. 94  
Vails Gate, NY

is scheduled for the May 22<sup>nd</sup>, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

March 13, 2006

3

PRELIMINARY MEETINGS:

JOHN & SHARON BETTS (06-07)

Mr. John Betts appeared before the board for this proposal.

MS. GANN: Request to replace existing single family home with a larger single family home. State your case loud and clear so this lady over here can hear what you're saying.

MR. BETTS: I'm here this evening cause of the property that my wife owns on Route 94 in Vails Gate.

MS. LOCEY: State your name.

MR. BETTS: My name is John Betts and the property that my wife owns in Vails Gate there's an existing two-family home approximately 1,400 square feet, single family residence approximately 14, there's a home in the back 1,200 square feet, our wish is to demolish the existing single family home and put up another structure that's just a little bit larger than that on the same property. Along with that, there's an existing three car garage that we want to demolish with the new structure and add another garage to that.

MS. LOCEY: First picture, what's this?

MR. BETTS: That's just a picture of the back yard, that's the back of the house I want to demolish, that's the neighbor's property over there.

MR. LUNDSTROM: Second photo is a copy of the three car garage you want to demolish also?

MR. BETTS: I believe so.

MS. GANN: How large would the single family home be

March 13, 2006

4

that you want to replace it?

MR. BETTS: It's going to be about 2,000 square feet.

MR. BABCOCK: There should be two surveys that you're looking at, one should say on the top right existing and the second one would say proposed, then if you could see the layout of the house, the existing house that's there now is narrow with the three car garage to the, facing the from 94 to the right-hand side and the proposed layout it's a different shape home with the attached three car garage in the rear of it.

MR. BETTS: I may amend the plan to make it a two car garage.

MR. BABCOCK: That's fine.

MR. LUNDSTROM: On the proposed new construction plot plan you also show a double wide, will that be removed?

MR. BETTS: No, sir, that will stay there.

MR. LUNDSTROM: Does that comply with zoning?

MR. BABCOCK: Yeah, that's existing, the front one, the proposed single wide was approved for a double wide several years ago. The reason they're here tonight is because this is in a C zone commercial zone, single family homes are not allowed in a C zone. What the law says is that if you want to change and rebuild the single family home exactly on the same footprint you can do that but to increase the degree of non-conformity you need to go to the zoning board so since they're making a single-family home larger in a different layout, getting closer to property lines cause there are no setbacks for a single family zone, for a single family house in a commercial zone so they're getting closer to the property lines it's a bigger home so therefore they need a variance to do

that.

MS. GANN: What about developmental coverage?

MR. BABCOCK: There's no such thing because that's not allowed there, so if you look for single family home and what the requirements are there is none because it's not allowed to be there.

MR. LUNDSTROM: Look at the proposed new construction plan, looks like you've got a 6 foot setback from the property line?

MR. BETTS: On the new one?

MR. BABCOCK: Yes.

MR. BETTS: No, sir, I don't think.

MR. BABCOCK: Here.

\*MR. BETTS: No, actually, the plan I sent to the planning board to you folks is different than this one, actually, I set it back 15 feet even though there wasn't any setback requirements, I tried to conform to what I knew 40 feet from the road or 15 feet, I made it 15 feet from the side and on the other side it was quite a bit more cause it wasn't that long.

MS. MASON: John, is that this one?

MR. BETTS: That's correct, actually, it's 25 feet.

MS. GANN: Taking out any substantial vegetation with the new proposed home?

MR. BETTS: Oh, no.

MR. BABCOCK: It's pretty much a cleared lot, they have some trees and some shrubs and I'm sure the new home

March 13, 2006

6

would be landscaped, you know, similar to what they have there now.

MS. GANN: Does it go over any easements that you know of?

MR. BETTS: Not to my knowledge, I don't think there's any easements there.

MR. LUNDSTROM: Do you envision once you get the new house built the double wide would be occupied?

MR. BETTS: Yes, sir, the single family residence now is my mother-in-law, she's 84 years old, although at this time, she's fine, she feels at some point she may have trouble navigating the stairs, so she's going to go live in the double wide in the rear of the property where I live now and my wife and son and I will occupy the new structure.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of John and Sharon Betts to replace an existing single family home with a larger single family home in a C zone on Route 94.

MR. LUNDSTROM: Madam Chairman, I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MS. GANN	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

## SHARON & JOHN BETTS

# AFFIDAVIT OF SERVICE BY MAIL

#06-07

# X

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

**MYRA L. MASON, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 23RD day of **MARCH, 2006**, I compared the **23** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

23<sup>rd</sup> day of March, 2006

Republished in The Sentinel  
5/9/06

*[Signature]*  
Notary Public

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified in Orange County**  
**Commission Expires 10/30/2006**

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

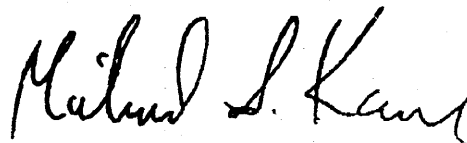
**Appeal No. 06-07**

**Request of JOHN & SHARON BETTS**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request to replace existing single-family home with a larger single-family home in a C-Zone on Rt. 94 (69-4-10)**

**PUBLIC HEARING will take place on APRIL 10, 2006**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



69-1-4.1  
National Temple Hill Assoc, Inc.  
P.O. Box 315  
Vails Gate, NY 12584

69-1-4.5  
Erwin Bergknoff  
c/o Hugh Bergknoff  
102 North 3<sup>rd</sup> Avenue  
Highland Park, NJ 08904

69-1-9.1  
Konstantinos Panagiotopoulos  
Theodore Panagiotopoulos  
7 Baldwin Hill Road  
Middletown, NY 10941

69-4-9.1  
Coleen & Robert Bernhardt  
P.O. Box 407  
Vails Gate, NY 12584

69-4-12  
Wilbur & Mary Brewer  
P.O. Box 610  
Vails Gate, NY 12584

69-4-15  
Mary McMillen  
c/o Russell McMillen  
P.O. Box 322  
Vails Gate, NY 12584

69-4-18  
Beatrice Deyo  
Hannah M. & Lawrence A. Scherf  
P.O. Box 293  
Vails Gate, NY 12584

69-4-26.12  
Fred Plus 3, LLC  
104 South Central Avenue  
Room 20  
Valley Stream, NY 11580

69-4.2  
Graciano Duarte  
P.O. Box 1057  
Englewood Cliffs, NJ 07632

69-1-5  
Jacqueline Fairley  
P.O. Box 641  
Vails Gate, NY 12584

69-4-6.1  
Storage Equities, Inc. & P S Partners LTD  
Dept PT NY 24109-02  
P.O. Box 25025  
Glendale, CA 91201

69-4-9.2  
Anthony 7 Concetta Boneri  
P.O. Box 526  
Vails Gate, NY 12584

69-4-13  
Isabel Ernst  
2465 Palisades Avenue  
Apt. 3E  
Bronx, NY 10463

69-4-16  
Ruth Ann & Russell Brewer, Jr.  
P.O. Box 103  
Vails Gate, NY 12584

69-4-19.2  
Central Hudson Gas  
And Electric Corp.  
284 South Avenue  
Poughkeepsie, NY 12602

69-4-26.13  
Herbert Slepoy  
Fred Gardner  
104 South Central Avenue  
Valley Stream, NY 11580

69-1-4.  
MCB Partnership LLC  
521 Green Ridge Road  
Scranton, PA 18508

69-1-6  
V.G.R. Associates LLC  
P.O. Box 334  
Lennox Hill Station  
New York, NY 10021

69-4-7 & 8  
West Point Tours  
P.O. Box 125  
Vails Gate, NY 12584

69-4-11  
Michael & James Goudreau  
P.O. Box 537  
Milford, PA 18337

69-4-14  
Walter Brewer  
P.O. Box 293  
Vails Gate, NY 12584

69-4-17  
Helen, Ida Mae & Michael Brewer  
P.O. Box 293  
Vails Gate, NY 12584

69-4-26.11  
Franchise Realty Interstate Corp.  
c/o Colley & McCoy Co.  
P.O. Box 779  
Croton Falls, NY 10519

---



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

March 16, 2006

Sharon Betts  
P.O. Box 485  
Vails Gate, NY 12584

Re: 69-4-10                      ZBA#: 06-07 (23)

Dear Mrs. Betts:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

69-1-4.1

National Temple Hill Assoc, Inc.  
P.O. Box 315  
Vails Gate, NY 12584

69-1-4.5

Irwin Bergknoff  
c/o Hugh Bergknoff  
102 North 3<sup>rd</sup> Avenue  
Highland Park, NJ 08904

69-1-9.1

Konstantinos Panagiotopoulos  
Theodore Panagiotopoulos  
7 Baldwin Hill Road  
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Vails Gate, NY 12584

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69-4-15

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c/o Russell McMillen  
P.O. Box 322  
Vails Gate, NY 12584

69-4-18

Beatrice Deyo  
Hannah M. & Lawrence A. Scherf  
P.O. Box 293  
Vails Gate, NY 12584

69-4-26.12

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Room 20  
Valley Stream, NY 11580

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Graciano Duarte  
P.O. Box 1057  
Englewood Cliffs, NJ 07632

69-1-5

Jacqueline Fairley  
P.O. Box 641  
Vails Gate, NY 12584

69-4-6.1

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Dept PT NY 24109-02  
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69-4-9.2

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69-4-13

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Herbert Slepoy  
Fred Gardner  
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Valley Stream, NY 11580

69-1-4.3

MCB Partnership LLC  
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Scranton, PA 18508

69-1-6

V.G.R. Associates LLC  
P.O. Box 334  
Lennox Hill Station  
New York, NY 10021

69-4-7 & 8

West Point Tours  
P.O. Box 125  
Vails Gate, NY 12584

69-4-11

Michael & James Goudreau  
P.O. Box 537  
Milford, PA 18337

69-4-14

Walter Brewer  
P.O. Box 293  
Vails Gate, NY 12584

69-4-17

Helen, Ida Mae & Michael Brewer  
P.O. Box 293  
Vails Gate, NY 12584

69-4-26.11

Franchise Realty Interstate Corp.  
c/o Colley & McCoy Co.  
P.O. Box 779  
Croton Falls, NY 10519

ZBA - # 06-07 Application Fee

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#214-2006**

03/17/2006

Betts, Sharon

Received \$ 50.00 for Zoning Board Fees, on 03/17/2006. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 03-13-06

FOR: 06-07 ESCROW

FROM:

CHECK FROM:

**Sharon Betts**  
**P.O. Box 485**  
**Vails Gate, NY 12584**

**SAME**

CHECK NUMBER: 1427

TELEPHONE: 721-2839

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

Mei 3-17/06  
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

March 23, 2006

Sharon Betts  
P.O. Box 485  
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #06-07

Dear Mr. & Mrs. Betts:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The charge for publication in the Sentinel will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Rt. 94  
Vails Gate, NY

is scheduled for the April 10, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF:

March 13, 2006

PROJECT:

John & Sharon Betts

ZBA #

06-07

P.B.#

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN  
LUNDSTROM  
LOCEY  
TORPEY  
KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

GANN  
LUNDSTROM  
LOCEY  
TORPEY  
KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN  
LUNDSTROM  
LOCEY  
TORPEY  
KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN  
LUNDSTROM  
LOCEY  
TORPEY  
KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) Lo S) Lu

VOTE: A 3 N 0

GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY  
KANE

CARRIED: Y ☒ N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

GANN  
LUNDSTROM  
LOCEY  
TORPEY  
KANE

CARRIED: Y N

Not allowed so no dev. coverage

# TOWN OF NEW WINDSOR

## REQUEST FOR NOTIFICATION LIST

DATE: 03-13-06 PROJECT NUMBER: ZBA# 06-07 P.B. # \_\_\_\_\_

APPLICANT NAME: SHARON BETTS

PERSON TO NOTIFY TO PICK UP LIST:

Sharon Betts  
P.O. Box 485  
Vails Gate, NY 12584

TELEPHONE: 721-2839

TAX MAP NUMBER:	SEC. <u>69</u>	BLOCK <u>4</u>	LOT <u>10</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: 1033 RT. 94  
VAILE GATE, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
 OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1429

TOTAL CHARGES: \_\_\_\_\_





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Due To The Age of Family Member  
(84 yo) it is necessary to move her into the double-  
wide mobile home on property which is one floor.  
However I would move my remaining family into a 2 story  
structure near the road. That structure besides being  
less than 10' from Rt 94 is over 150 years old. At  
1300 sq. feet it is not large enough for me, my husband,  
and my son. The proposed new modular home @ 2200 sq.  
ft. can support our life style while decreasing the  
possibility of injury by moving back from a major  
hwy. After careful consideration it is believed that  
this is the most feasible way to achieve results.  
This variance will have no adverse effect on the neighbors.  
I do not feel the variance is substantial. And lastly,  
the difficulty was not self-created.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

### XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00, (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00, (application fee)
- ☐ One in the amount of \$ 25.00, (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

#### XIV. AFFIDAVIT.

STATE OF NEW YORK)  
COUNTY OF ORANGE ) SS.:

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

**Sworn to before me this:**

30 day of Jan 2006,  
Steven J. Smith

Sharon J. Smith  
Notary Public St. New York  
No. 4618999

Signature and Stamp of Notary  
Commission Expires Jan 31, 2016

Sharon S. Betts  
Owner's Signature (Notarized)

SHARON S. BETH  
Owner's Name (Please Print)

**Applicant's Signature (If not Owner)**

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE** ☐

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

SHARON S BETTS, deposes and says that he resides  
(OWNER)  
at 1033 Rt 94 Vails Gate, NY 12584 in the County of Damascus  
(OWNER'S ADDRESS)  
and State of New York and that he is the owner of property tax map  
(Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_)  
designation number (Sec. 69 Block 4 Lot 10) which is the premises described in  
the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

\_\_\_\_\_  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 1-30-06

**\*\*** Sharon S Betts  
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:  
30 day of JAN 2006

\_\_\_\_\_  
Applicant's Signature (If different than owner)

Sharon J. Smith  
Notary Public St. New York  
No. 4618999  
Qualified in Orange County  
Commission Expires Jan 31, 2006

\_\_\_\_\_  
Representative's Signature

Signature and Stamp of Notary

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**  
**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**COMPLETE THIS PAGE ☐**



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)

06-07  
3/13



## ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

### **RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

### **MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

### **COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

### **INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

\*

### **ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

John's #  
721-2839

Reminded  
3/10/06

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

### **NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

### **NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.